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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,901	02/27/2004	Wolfgang Pfeifer	13913-171US1/2001P00031 W	4529
32864 7590 04/29/2008 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER WU, QING YUAN	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 04/29/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,901	<b>Applicant(s)</b> PFEIFER, WOLFGANG	
	<b>Examiner</b> Qing-Yuan Wu	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-5, 10, 12 and 17 is/are rejected.
- 7) ☒ Claim(s) 3,6-9,13-16 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1, 3-10, 12-20 are pending in the application.

***Information Disclosure Statement***

2. The information disclosure statements (IDSs) submitted on 2/27/04 and 7/20/06 are being considered by the examiner.

***Allowable Subject Matter***

3. Claims 3, 6-9, 13-16 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 10, 12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Waldo et al. (hereafter Waldo) (U.S. Patent 5,475,817).
6. Waldo was cited by applicant's information disclosure statement filed 2/27/04.

7. As to claim 1, Waldo teaches a method for communication between a first computer operating in a first object-oriented run-time environment and a second computer operating in a second, different object-oriented run-time environment, the method comprising [abstract, lines 9-11; col. 3, line 65-col. 4, line 11; col. 6, lines 8-17]:

    sending a first message with an object identification and an action identification from the first computer to the second computer [col. 6, line 52-64; col. 7, lines 1-17 and 31-50];

    identifying an object in the second run-time environment according to the object identification [col. 5, lines 36-67; col. 6, lines 1-6 and 22-27; col. 7, lines 51-57; col. 15, lines 1-30];

    verifying an existence of an action, according to the action identification, in the identified object in the second run-time environment [col. 7, lines 31-50];

    determining an action representation of an action, according to the action identification, in the second run-time environment for the identified object; and

    executing the action using the action representation [col. 4, lines 14-17; col. 7, lines 39-50] (Examiner's interpretation of "action representation," as the operation used to specify the action since the applicant failed to neither preclude nor define this limitation).

8. As to claim 4, Waldo teaches returning to the first computer a second message as a confirmation message with an object identification a response identification [col. 8, line 46-col. 9, line 29] (In order for a result to return to the requestor object, identification for the requestor object must exist).

9. As to claims 10 and 12, these claims are rejected for the same reason as claims 1 and 4 above (Note: The limitation "carrier" is interpreted in light of the specification as computer readable medium/article of manufacture as disclosed in the specification [pg. 4, lines 8-16; pg. 5, lines 1-7]).

10. As to claim 17, this claim is rejected for the same reason as claims 1 and 4 above.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waldo as applied to claims 1, 10 and 17 above.

13. As to claim 5, Waldo does not specifically teach displaying, using the first computer, at least a portion of the response identification. However, Waldo disclosed requesting a phone number of another user through a display menu of an application which subsequently communicates the request to a target object [col. 14, line 63-col. 15, line 5]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have recognized that if a response (i.e. telephone information) was being returned by the target object the response (identification) would have been displayed to satisfy the request of the user.

***Response to Arguments***

14. Applicant's arguments filed 2/12/08 have been fully considered but they are not persuasive.

15. In the remark, Applicant argued in substance that:

a. Waldo fails to teach verifying an existence of an action, according to the action identification, in the identified object in the second run-time environment because Waldo states that "if an object class supports any operation in an interface, it must support all of the members of the set of operations that constitute that interface." In addition, if an object does not support a particular action, applicant's invention can return an error message, and the invention still functions.

16. Examiner respectfully traversed Applicant's remarks:

17. As to point (a), the Examiner respectfully disagrees and submits that Waldo specified a set of operations that are supported, therefore the verification of the operation/action to be performed occurred upon determining that the received operation/action to be performed is one of the supported operation, which clearly satisfy the limitation. In addition, with respect to the returning of an error message upon verifying an object does not support a particular action, Applicant is reminded that claimed subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of

avoiding the prior art. Therefore applicant's argument is not persuasive.

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571)272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/

Supervisory Patent Examiner, Art Unit 2195

/Qing-Yuan Wu/

Examiner, Art Unit 2194